
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

JEFF J. AKHTAR, *et al.*,

Plaintiffs,

versus

GLENN JOHNSON, *Mayor of*
Port Neches, et al.,

Defendants.

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CIVIL ACTION NO. 1:16-CV-456

ORDER OF DISMISSAL

On April 28, 2017, Plaintiffs filed a Notice of Voluntary Dismissal (#15) seeking to dismiss all their asserted claims without prejudice. Plaintiffs' notice of dismissal is improper in part because the court has already dismissed many of Plaintiffs' claims with prejudice. *See* Doc. No. 14. Simply put, Plaintiffs cannot voluntarily dismiss claims that have already been dismissed with prejudice by this court.

As to Plaintiffs' § 1983 claim based on equal protection against the City of Port Neches, the court conditionally dismissed that claim but gave Plaintiffs 10 days to amend their complaint in order to state the claim properly.¹ *Id.* Accordingly, pursuant to Plaintiffs' Notice of Voluntary Dismissal, Plaintiffs' equal protection claim is DISMISSED without prejudice. Nevertheless, for the reasons stated in the court's prior order, Plaintiffs' official capacity claims against Glenn Johnson, Chris McMahon, Adam Anders, John Davenport, Robert Arnold, and Julie Gautiner; Title VII claims; Civil Service Reform Act claims; and 18 U.S.C. § 245 claims are DISMISSED with prejudice.

¹ This is the sole remaining claim. *See id.*

SIGNED at Beaumont, Texas, this 2nd day of May, 2017.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive style with a large, stylized "M" and "C".

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE